

**04-637      MITCHELL, WARDEN V. STUMPF**

**DECISION BELOW:      UNREPORTED**

QUESTIONS PRESENTED

1. Is a representation on the record from defendant's counsel and/or the defendant that defense counsel has explained the elements of the charge to the defendant, sufficient to show the voluntariness of the guilty plea under *Henderson v. Morgan*, 426 U.S. 637, 647 (1976)?
2. Does the Due Process Clause require that a defendant's guilty plea be vacated when the State subsequently prosecutes another person in connection with the crime and allegedly presents evidence at the second defendant's trial that is inconsistent with the first defendant's guilt?

Cert. Granted 1/7/05